

Chapter 10 – Advisory Boards

CONTENT

Advisory Boards	Part 1
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Part 1 – Advisory Boards

	Section
General.....	10001
Aviation Advisory Board.....	10002
Board of Investigation.....	10003
Disciplinary Board.....	10004
Full-Time and Part-Time University Training Boards	10005
Medical Board.....	10006
Officer Assignment Board	10007
Officer Personnel Board	10008
Records Examination Board	10009
Uniform and Awards Board.....	10010
Director’s Command Advisory Board.....	10011
Flag Advisory Board.....	10012
Other Advisory Boards	10013

Part 1 – Advisory Boards**10001 GENERAL**

- A. Advisory boards are established to provide assistance in the form of recommendations, opinions, and findings of fact, as appropriate, to the Director. This chapter provides information regarding the advisory boards. Certain advisory boards are discussed in detail elsewhere in these directives therefore the duties, frequency, and composition are discussed in the chapters in which they appear. Commissioned Personnel Center (CPC) Instructions delineate further the details of each board.

10002 AVIATION ADVISORY BOARD

- A. The NOAA Corps Aviation Advisory Board (AAB) provides assistance and advice to the Director with regard to aviation-related issues (see NCD Chapter 5, Part 5).
- B. The AAB's duties shall include:
- (1) advising the Director on NOAA Corps aviator assignments and aviation-related issues;
 - (2) reviewing, screening, and recommending applicants for initial pilot and navigator training; (medical records of these NOAA Corps officers will be reviewed by the NOAA Marine and Aviation Operations (NMAO) Health Services Director or his/her designee to determine an aviation applicant's ability to meet minimum physical requirements);
 - (3) reviewing the personnel records of NOAA Corps officers in the aviation program in order to make recommendations to the Director regarding the retention of NOAA Corps officers in NMAO's aviation program (as required, the medical records of NOAA Corps aviators will be reviewed by NMAO Health Services Director, or his/her designee);
 - (4) recommending changes to the NOAA Aircraft Operations Center's Aircraft Operations Manual; and
 - (5) such other duties as the Director may prescribe.
- C. The AAB will convene at such times as may be necessary, but generally three times per year.

Part 1 – Advisory Boards

- D. AAB membership consists of at least three active-duty NOAA Corps aviators in or above the permanent grade of commander, and may include other qualified individuals appointed by the Director. The Chair is a senior Washington, D.C. area based NOAA Corps aviator. Personnel appointed to the AAB in an advisory capacity will be nonvoting members. A member of the CPC staff serves in a nonvoting capacity as secretary.

10003 BOARD OF INVESTIGATION

- A. The Director may convene a Board of Investigation, in accordance with NCD Chapter 11, to examine the facts and circumstances surrounding a NOAA Corps officer's injury, death, or disappearance, and, as necessary, to provide the basis for line of duty and misconduct determinations both within and out of the NOAA Corps.
- B. A Board of Investigation's duties shall include:
- (1) collecting any evidence pertaining to the injury, death or disappearance, in order adequately establish the pertinent facts; and
 - (2) submitting a written report to the Director, recording the Board's findings of fact and, as applicable, recommendations.
- C. When a Board of Investigation is ordered, instructions will be issued with the convening order outlining the method of procedure and the form in which the record and findings are to be submitted to the Director.
- D. The Board of Investigation's membership will consist of at least two active-duty NOAA Corps officers, a representative of the Department of Commerce's Office of General Counsel, and may include other qualified individuals appointed by the Director. The senior NOAA Corps officer of a Board of Investigation shall not be below the grade of commander.

10004 DISCIPLINARY BOARD

- A. At such times as may be necessary, the Director shall convene a Disciplinary Board to inquire into the conduct of a NOAA Corps officer. The duties, frequency and composition of a disciplinary board are noted in NCD Chapter 7.

Part 1 – Advisory Boards**10005 FULL-TIME AND PART-TIME UNIVERSITY TRAINING BOARDS**

- A. The Full-Time University Training (FUT) Board and Part-Time University Training (PUT) Board are to provide the Director with assistance and advice with regard to the NOAA Corps' and NOAA's sponsored university training for NOAA Corps officers.

FUT and PUT boards are convened for:

- (1) evaluating all requests for FUT, to determine program need, and to confirm proper background and motivation; and
- (2) issuing recommendations for FUT and PUT to the Director.

The duties, frequency and composition for a FUT board is noted in NCD 04102, and for a PUT board in NCD 04103.

10006 MEDICAL BOARD

- A. In accordance with NCD Chapter 8 and General Rules Governing an Appeals Board, Appendix VII, the Director has established the following procedures to provide assistance and advice in determining the fitness and disability rating of a NOAA Corps officer, as appropriate.
- B. A Medical Board (MB), at a uniformed services medical facility, will conduct a complete medical examination of a NOAA Corps officer. The MB procedures of the uniform services medical facility will be used. Completed reports will be sent to the Director.
- C. A U.S. Public Health Service Medical Review Board (MRB) will, as requested by the Director, review the completed MB reports for recommendations regarding the fitness and disability rating of the NOAA Corps officer (see NCD 08610).
- D. A NOAA Corps' Appeals Board shall, at such times as may be necessary, be convened to reconsider the findings and recommendations of an MRB (see NCD 8610).
- (1) Appeals Board duties shall include:
 - (a) considering the record and all information obtained during the hearing; and

Part 1 – Advisory Boards

- (b) preparing a report to the Director that will include a recommendation as to whether or not the NOAA Corps officer should be retained on active duty, retired for disability, or discharged from the service, and the reasons therefore, and as appropriate, rating the disability in accordance with the Department of Veterans Affairs Schedule for Rating Disabilities as modified by DOD Directive 1332.18.
- (2) An Appeals Board membership will consist of at least two medical officers who have not previously examined the NOAA Corps officer in connection with the findings of disability, and at least three active-duty NOAA Corps officers who, whenever feasible, shall be senior to the NOAA Corps officer being reviewed. The Director will appoint members to the appeals Board and one member to serve as Chair of the Appeals Board.

10007 OFFICER ASSIGNMENT BOARD

- A. In accordance with NCD Chapter 5, Part 3, the Director has established the NOAA Corps Officer Assignment Board (OAB) to provide assistance and advice as appropriate and to make recommendations with regard to NOAA Corps officer assignments.
- B. The OAB shall consider NOAA Corps liaison officer's input, NOAA Corps officer's input, and relevant assignment information to recommend NOAA Corps officer assignments. Within five working days after deliberations, the OAB Chair shall provide the Director with a list of recommended assignment changes. Assignment recommendations shall include a short statement detailing the rationale. The Director's approval of a recommended assignment will be in the form of a memorandum advising the NOAA Corps officer of the forthcoming assignment. In the event an assignment recommendation is not approved, the OAB shall make such further recommendations as are required.
- C. The OAB will convene at least bimonthly and at such other times as may be necessary.
- D. OAB membership consists of at least four active-duty NOAA Corps officers, not below the permanent grade of lieutenant commander, appointed by the Director. The OAB shall consist of the most senior NOAA Corps officers within each line office, the Chair of the AAB, the Chief, Career Development Division and others who will be designated, with the advice of the Assignment Coordinator, by the Director. The Assignment Coordinator serves in a nonvoting capacity as advisor and secretary. The Director will appoint one member of the OAB to serve as Chair.

Part 1 – Advisory Boards**10008 OFFICER PERSONNEL BOARD**

- A. The NOAA Corps Officer Personnel Board (OPB) is established in accordance with 33 U.S.C. 3022, to provide recommendations to the Secretary and Director on those matters herein prescribed.
- B. OPB duties shall include:
 - (1) recommending to the Director such changes in the lineal list as the OPB may determine; [33 U.S.C. 3022(b)(1)]
 - (2) making selections and recommendations to the Secretary and Director for appointments, and promotions, of NOAA Corps officers; [33 U.S.C. 3022(b)(2)] and

In case any recommendation by the OPB is not acceptable to the Director, the Secretary, or to the President, as applicable, the OPB shall make such further recommendations as shall be acceptable. [33 U.S.C. 3022(c)]

- C. The OPB will convene at least once a year and at such other times as may be necessary. [33 U.S.C. 3022(a)]
- D. The OPB membership will consist of at least five active-duty NOAA Corps officers, not below the permanent grade of commander, appointed by the Director. The Director will also appoint one member to serve as Chair of the OPB. Members normally serve for one year, but the Director may alter membership, in accordance to the needs of the NOAA Corps. The Director and Deputy Director, CPC, serve as nonvoting advisors to the OPB. A member of the CPC staff serves in a nonvoting capacity as secretary.
- E. In all OPB deliberations, each member shall swear that he/she will perform the duties imposed upon him/her without prejudice or partiality, and having in view both the special fitness of officers and the needs of the NOAA Corps.
- F. General procedure applicable to all OPB deliberations:
 - (1) The Director shall call all meetings of the OPB and establish the agenda of actions for the OPB to consider.

Part 1 – Advisory Boards

- (2) The Director may provide a written precept to the OPB, and/or may brief the OPB on applicable laws, regulations, and needs of the NOAA Corps as related to the actions to be considered. Such briefing also may be given by a member of the Director's staff as he/she may designate. Each OPB member must act according to his/her own judgment and is bound only by existing laws, regulations, and the oath taken by that member.
- (3) The OPB shall be furnished with the names and personnel records of all NOAA Corps officers to be considered. The records shall include all written information on performance evaluations, service reports, assignments and assignment preferences, awards, completed disciplinary actions, education and training, security clearances, and correspondence relevant to the above NOAA Corps officer, his/her supervisors, and the NOAA Corps. The OPB shall rely upon this written record, and not personal knowledge or hearsay, in its deliberations. OPB members must be senior to those NOAA Corps officers being reviewed.
- (4) In certain cases, where these Directives permit, a NOAA Corps officer may appear before the OPB. If a NOAA Corps officer appears before the OPB with his/her legal counsel present, a written transcript of the NOAA Corps officer's statement, and any ensuing questions and answers, shall be provided for the NOAA Corps officer's Official Personnel File (OPF). In such cases the OPB will be afforded counsel from the Department of Commerce Office of General Counsel.
- (5) In the event the OPB desires additional information or clarification, the Chair shall submit a request to the Director, or his/her designee.
- (6) A written report shall be filed for each OPB session. The report shall contain:
 - (a) a list of OPB membership;
 - (b) a list of convening, meeting, and adjourning dates;
 - (c) a list of recommendations and names of NOAA Corps officers considered, with NOAA Corps officer names listed in the order of relative precedence that they held prior to the current consideration (In recommending candidates for appointment, candidates shall be listed in the sequential order in which completed applications were received by the NOAA Corps);
 - (d) a record of the reason(s) for each recommendation;
 - (e) a certification that at least a majority of the members concur in the recommendations;

Part 1 – Advisory Boards

- (f) the signature of each member; and
 - (g) the written precept, appended, if applicable.
- (7) No member of an OPB shall divulge or discuss any information concerning the recommendations or proceedings of any OPB session, except for the documentation required in paragraph (6)(d) and to report to the Director or his/her designee or where disclosure is authorized by other provisions of law.
- G. For OPB records requiring Secretarial approval, the OMB Report is forwarded by the Chairman, OPB to the Secretary through the Director.
- H. Once the OPB's recommendations have been made, the Director, CPC, via the Director, will initiate phone calls to each NOAA Corps officer informing them of the OPB's recommendation.
- I. If OPB action does not require approval by the Secretary, a memo will be issued to the NOAA Corps officer, via the Director, CPC, signed by the Director.
- J. If OPB action does require approval by the Secretary, once approval is received, a memo will be issued to the NOAA Corps officer, via Director, CPC, and signed by the Director.

10009 RECORDS EXAMINATION BOARD

- A. At such times as he/she may deem necessary, the Director shall convene a Records Examination Board (REB), in accordance with NCD 07106, 08503 and Chapter 11 to determine whether or not information contained in an NOAA Corps officer's Official Personnel File (OPF) should be corrected or removed.
- B. REB duties shall include:
 - (1) receiving evidence, either in person or by declaration, that the NOAA Corps officer concerned may wish to submit;
 - (2) receiving any relevant information from other sources that may assist the REB in making a decision/recommendation, to include examining official records (e.g., ship's logs, payroll information, disciplinary board action);
 - (3) proceeding with the presumption that the NOAA Corps officer's official record (which the NOAA Corps officer is seeking to change) is correct;

Part 1 – Advisory Boards

- (4) applying a "clear and convincing" standard of proof to the evidence presented; (This standard is stricter than a "preponderance of evidence," but less strict than that of "beyond a reasonable doubt." The burden of proof is on the NOAA Corps officer seeking to have his/her record changed);
 - (5) showing a summary of the record of the REB's proceedings and recommendations to the NOAA Corps officer concerned before submission to the Director; and
 - (6) making appropriate recommendations concerning corrections, deletions, or additions to the NOAA Corps officer's OPF. Recommendations shall be made to the Director, who is the deciding authority.
- C. REB membership consists of no less than three active-duty NOAA Corps officers appointed by the Director. As far as practicable, members shall be senior in grade to the NOAA Corps officer involved.

10010 UNIFORM AND AWARDS BOARD

- A. The NOAA Corps Uniform and Awards Board (UAB) provides the Director assistance and advice with regard to decorations, medals and uniform issues.
- B. UAB duties shall include:
- (1) reviewing and recommending the nominations of NOAA Corps officers, and officers of other services assigned to NOAA, for NOAA Corps Commendation Medals and NOAA Corps Director's Ribbons. Recommendations shall be made to the Director;
 - (2) serving as the point of contact regarding procedures for nominating NOAA Corps officers for NOAA Corps awards and for other recognition within and outside NOAA;
 - (3) reviewing records, conducting studies, and compiling reports on issues relating to NOAA Corps uniforms and awards or as assigned by the Director;
 - (4) reviewing suggestions, monitoring relevant activities in sister services, and recommending to the Director such changes to the NOAA Corps uniform and awards directives as the UAB may determine;

Part 1 – Advisory Boards

- (5) serving as the point of contact regarding NOAA Corps uniform and awards Directives; and
 - (6) such other duties related to uniform and awards issues as the Director may prescribe.
- C. The UAB will convene at such times as may be necessary.
- D. UAB membership consists of no less than three active-duty NOAA Corps officers appointed by the Director, reflecting diversity of age, grade, and sex. (The Chair is the senior member of the UAB.) The CPC Awards and Medals Custodian serves in a nonvoting capacity as technical advisor and secretary.

10011 DIRECTOR'S COMMAND ADVISORY BOARD

- A. The Director's Command Advisory Board (DCAB) provides the Director with recommendations concerning commanding and executive officer assignments for all NOAA ships.
- B. The DCAB duties shall include:
 - (1) providing recommendations to the Director concerning commanding and executive officer positions for all NOAA ships anticipated to become vacant in the next 18 to 24 months;
 - (2) discussing issues relating to these billets ensuring that the needs of NOAA programs are continually met;
 - (3) enhancing individual NOAA Corps officer career development, performance, and promotion potential; and
 - (4) addressing all other issues relating to these billets as the Director may prescribe.
- C. The DCAB will convene at such times as may be necessary, but at least once per year.
- D. DCAB membership shall consist of the Director, CPC, as Chair, a representative from each marine operations center; Deputy Director, CPC; Chair, OPB; Chair, OAB; and NOAA Corps Liaison Officers from NOS, OAR and NMFS. The Assignment Coordinator serves in a nonvoting capacity as an advisor and secretary.

Part 1 – Advisory Boards**10012 FLAG ADVISORY BOARD**

- A. The Secretary may designate positions in the Administration as being positions of importance and responsibility for which it is appropriate that NOAA Corps officers, if serving in those positions, serve in the grade of vice admiral or rear admiral (upper and lower half), as designated by the Secretary for each position. [33 U.S.C. 3028(a)] The Secretary may assign NOAA Corps officers to positions designated as positions of importance and responsibility. [33 U.S.C. 3028(b)] A NOAA Corps officer assigned to a position of importance and authority while so serving has the grade designated for that position, if appointed to that grade by the President, by and with the consent of the Senate. [33 U.S.C. 3028(d)(1)] NOAA Corps officers assigned to positions and appointed to flag grades by the President, by and with the consent of the Senate, serve in a temporary status in the grade designated for that position. [33 U.S.C. 3028(d)(1)]
- B. The Flag Advisory Board (FAB) is established to provide a list of nominees to the Under Secretary for appointment to positions of importance and responsibility. The duties of the FAB are similar to those of the OPB as prescribed in NCD 10008, but the recommendations of the FAB do not constitute selections.
- C. The FAB will convene at such time as necessary to fill vacant positions of importance and responsibility.
- D. The FAB membership shall consist of each NOAA Assistant Administrator or his/her designee, and any other member appointed by the Under Secretary. The Director will be the Chair of the FAB.

10013 OTHER ADVISORY BOARDS

- A. The Director may establish other advisory boards to provide recommendations concerning program, personnel, and operational requirements.